



RESOLUTION

PROPOSING AN AMENDMENT TO THE CITY CHARTER RELATIVE TO FILLING VACANCIES IN ELECTED BOARDS BY SPECIAL ELECTION IF MORE THAN SIX MONTHS REMAIN IN THE UNEXPIRED TERMS, OTHERWISE AT THE NEXT REGULARLY SCHEDULED MUNICIPAL ELECTION

CITY OF NASHUA

In the Year Two Thousand and Four

RESOLVED by the Board of Aldermen of the City of Nashua that pursuant to RSA 49-B:5, the following amendment to the Nashua City Charter is deemed necessary and shall be submitted to the voters by placing it on the ballot at the next regular city election in the manner required by NH RSA 49-B with the following summary:

Shall the municipality approve the charter amendment summarized below?

This amendment would provide that vacancies in the Board of Aldermen, Board of Education, Board of Public Works, and Board of Fire Commissioners are to be filled by special election if more than six (6) months remain in the unexpired term, otherwise at the next regularly scheduled municipal election.

Amend the City Charter by deleting the struck-through language and by adding new underlined language as follows:

§ 44. Vacancy in office of aldermen

Vacancies occurring in the office of alderman [aldermen] from any cause shall be filled ~~until the next municipal election by the election of some qualified person by the recorded votes of at least a majority of all members of the board of aldermen at the next regular meeting or at a special meeting called for the express purpose of filling the vacancy within sixty days following the creation of the vacancy.~~ as follows: If there is at least six (6) months and one (1) day remaining in the unexpired term, the vacancy shall be filled by a special election held on a date determined by the Board of Aldermen which shall not be earlier than forty (40) days and not later than one hundred eighty (180) days after the vacancy occurs. All nominations for the office of aldermen shall be handled in the same manner as nominations for the office of aldermen at a regularly scheduled election with the exception that petitions and acceptances of nominations shall be presented to the city clerk not earlier than forty (40) days nor later than thirty (30) days before the election. If the vacancy occurs within six (6) months or less of the end of the unexpired term, the vacancy shall not be filled before the next regularly scheduled municipal election. The candidate who receives the most votes at the regular municipal election for the next term of the office which is then vacant, and who is not then an incumbent member on the board, shall be sworn in to complete the unexpired term as soon as the election results are final.

Board of Public Works

§ 59. How chosen: tenure of office

The board of public works shall be composed of the mayor and four members to be chosen by the qualified voters of the city at large, voting in their respective wards. At the first general municipal election to be holden under this act [charter], there shall be elected four members of the board of public works: the two candidates receiving the two highest preferences shall serve for three years, and the two candidates receiving the next highest preferences shall serve for one year, and at each subsequent general municipal election there shall be elected two members for the full term of four years, and the members so chosen shall hold their respective offices from the first secular day of January next following their election for the terms above specified, and until their successors are chosen and qualified. - Vacancies shall be filled as follows: If there is at least six (6) months and one (1) day remaining in the unexpired term, the vacancy shall be filled by a special election held on a date determined by the Board of Aldermen which shall not be earlier than forty (40) days and not later than one hundred eighty (180) days after the vacancy occurs. All nominations for the board of public works shall be handled in the same manner as nominations for the board of public works at a regularly scheduled election with the exception that petitions and acceptances of nominations shall be presented to the city clerk not earlier than forty (40) days nor later than thirty (30) days before the election. If the vacancy occurs within six (6) months or less of the end of the unexpired term, the vacancy shall not be filled before the next regularly scheduled municipal election. The candidate who receives the most votes at the regular municipal election for the next term of the office which is then vacant, and who is not then an incumbent member on the board, shall be sworn in to complete the unexpired term as soon as the election results are final.

§ 73. Fire commissioners, how chosen

The Board of Fire Commissioners shall continue to be composed of three members, one of whom shall be chosen at large at each general municipal election to hold office from the inauguration day in January next following his election; provided, however, that effective with inauguration day in 1978, the board shall be composed of five members to be chosen by the qualified voters of the city at large, voting in their respective wards. At the general municipal election to be held in 1977, there shall be elected three members of the fire commission; the candidate receiving the highest preference shall serve for four years; and the two candidates receiving the next highest preference shall each serve for two years. At the general municipal election to be held in 1979 there shall be elected three members of the fire commission; the three candidates receiving the highest preference shall each serve for four years. At the general municipal election to be held in 1981 there shall be elected two members of the fire commission; the two candidates receiving the highest preference shall each serve for four years. At each subsequent general municipal election three or two members of the fire commission shall alternatively be elected for a full four-year term, in order to maintain a board of five members. The members so chosen shall hold their respective offices from the inauguration day in January next following their election for the term above specified, and until their successors are chosen and qualified. The board shall exercise all the powers and perform all the duties that the laws and ordinances now prescribe, or that may hereafter be prescribed by law and the City Ordinances. Vacancies shall be filled as follows: If there is at least six (6) months and one (1) day remaining in the unexpired term, the vacancy shall be filled by a special election on a date determined by the Board of Aldermen which shall not be earlier than forty (40) days and not later than one hundred eighty (180) days after the vacancy occurs. All nominations for the Board of Fire Commissioners shall be handled in the same manner as nominations for the Board of Fire Commissioners at a regularly scheduled election with the exception that petitions and acceptances of nominations shall be presented to the city clerk not earlier than forty (40) days

nor later than thirty (30) days before the election. If the vacancy occurs within six (6) months or less of the end of the unexpired term, the vacancy shall not be filled before the next regularly scheduled municipal election. The candidate who receives the most votes at the regular municipal election for the next term of the office which is then vacant, and who is not then an incumbent member on the board, shall be sworn in to complete the unexpired term as soon as the election results are final.

§ 75. Board of education: How chosen

Any person, qualified to vote in the affairs of the city of Nashua, may vote at all elections for the choice of a board of education of said city, and be a candidate for and be chosen to such membership upon receiving the necessary votes required for election upon the board, provided that no person shall serve as a member of the board of education who is not a duly qualified voter of the city. Any duly qualified voter may also sign an initiative petition such as provided for in this charter in case of any measure pertaining to the affairs under the board's administration, which it, after this charter takes effect, may lawfully pass, and vote upon its submission to a vote of the qualified voters of the city for adoption or rejection at a general or special municipal election when the measure is by this charter to be voted upon.

The board of education shall continue to be composed of twelve members, four of whom shall be elected at large at each general municipal election to hold office from the following January first; provided, however, that effective with the terms of those members which commence January 1, 1972, the term of office of members shall be four years and, provided further, that effective with the election in November 1975, five candidates shall be elected to the board and the membership of the board shall be reduced to nine effective January 1, 1976. Subsequently, four or five candidates shall be elected to the board at each general municipal election in order to maintain a board of nine members. Vacancies shall be filled as follows: If there is at least six (6) months and one (1) day remaining in the unexpired term, the vacancy shall be filled by a special election held on a date determined by the Board of Aldermen which shall not be earlier than forty (40) days and not later than one hundred eighty (180) days after the vacancy occurs. All nominations for the board of education shall be handled in the same manner as nominations for the board of education at a regularly scheduled election with the exception that petitions and acceptances of nominations shall be presented to the city clerk not earlier than forty (40) days nor later than thirty (30) days before the election. If the vacancy occurs within six (6) months or less of the end of the unexpired term, the vacancy shall not be filled before the next regularly scheduled municipal election. The candidate who receives the most votes at the regular municipal election for the next term of the office which is then vacant, and who is not then an incumbent member on the board, shall be sworn in to complete the unexpired term as soon as the election results are final.

This amendment shall be effective January 1, 2006.

